IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.803 OF 2007
IN
APPEAL (L)NO.168 OF 2007
IN
SUIT NO.1453 OF 1993

M/s.Popular Construction ..Applicant

Vs.

Canning Mitra Phoenix Pvt.Ltd. ..Respondent

Mr.M.P.S.Rao with Ms.Bhadra Dalal for the Applicant.
Ms.Saumya Srikrishna i/b. Kanga & Co. for the Respondent.

CORAM :- DR.S.RADHAKRISHNAN &
V.C.DAGA, JJ.

DATE : 10TH APRIL, 2007

P.C.

1. Heard the learned Counsel for the parties. By this Notice of Motion the Applicant is seeking condonation of delay in filing the above Appeal. Perused the Notice of Motion and the affidavit-in-support thereof. For the reasons stated therein sufficient cause is made out for condoning the delay in filing the above Appeal. There is no case of inaction, negligence or want of bonafide on the part of the Applicant. There is no affidavit-in-reply controverting the Notice of Motion. Hence, the Notice of Motion is made absolute in terms of prayer clause (a).

(V.C.DAGA,J.) **(DR.S.RADHAKRISHNAN,J.)**